

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURNSee "*Instructions for Service of Process by U.S. Marshal*"

PLAINTIFF Harold B. Shamburger	COURT CASE NUMBER 07-4597 JSW
DEFENDANT R. Kirkland et al.,	TYPE OF PROCESS Complaint, Order, Summons

SERVE AT NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
M. Ruff California Dept. of Corrections and Rehabilitation, Law Enforcement Investigations Unit
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
 P.O. Box 942883 Sacramento, CA 94283-0001

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285
Harold B. Shamburger P.O. Box 7500 Crescent City, CA 95532 D16530	Number of parties to be served in this case
	Check for service on U.S.A.

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold

Fold

RECEIVED
UNITED STATES MARSHAL
NORTHERN DISTRICT OF CALIFORNIA
APR 15 AM 9:32 08

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	415-522-4261	4/3/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process <i>2</i>	District of Origin No. <i>11</i>	District to Serve No. <i>11</i>	Signature of Authorized USMS Deputy or Clerk <i>KCW</i>	Date <i>04/15/08</i>
--	-------------------------------	-------------------------------------	------------------------------------	--	-----------------------------

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (complete only different than shown above)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy	

Service Fee <i>\$8.00</i>	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits <i>\$0</i>	Amount owed to U.S. Marshal* or (Amount of Refund*) <i>\$0.00</i>
------------------------------	---	----------------	---------------	--------------------------------	--

REMARKS: *5/23/08 - Marshal summons w/ 299 Form*

5/20/08 - Acknowledged Receipt of summons

PRINT 5 COPIES: 1. CLERK OF THE COURT

PRIOR EDITIONS MAY BE USED

2. USMS RECORD

Form USM-285

3. NOTICE OF SERVICE

Rev. 12/15/80

4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.

Automated 01/00

5. ACKNOWLEDGMENT OF RECEIPT

INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF Harold B. Shamburger	COURT CASE NUMBER 07-4597 JSW
DEFENDANT R. Kirkland et al.,	TYPE OF PROCESS Complaint, Order, Summons
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SERVE OR CONDEMN Everett W. Fischer California Dept. of Corrections and Rehabilitation, Law Enforcement Investigations Unit	
SERVE AT { ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) P.O. Box 942883 Sacramento, CA 94283-0001	UNITED STATES MARSHAL NORTHERN DISTRICT OF CALIFORNIA RECEIVED APR 15 AM 9:32
SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	
Harold B. Shamburger P.O. Box 7500 Crescent City, CA 95532 D16530	
Number of process to be served with this Form 285	
Number of parties to be served in this case	
Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	415-522-4261	4/3/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process 2	District of Origin No. 11	District to Serve No. 11	Signature of Authorized USMS Deputy or Clerk 	Date 04/15/08
--	---------------------------	-------------------------------------	------------------------------------	--	-------------------------

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (*See remarks below*)

Name and title of individual served (<i>if not shown above</i>)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode	
Address (<i>complete only different than shown above</i>)	Date	Time <input type="checkbox"/> am <input type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy 	

Service Fee \$8.00	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges	Advance Deposits 	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00
------------------------------	---	----------------	---------------	---	--

REMARKS: *5/15/08 - Mailed Summons w/299 Form*

6/15/08 - Acknowledged Receipt of summons

PRINT 5 COPIES:

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

PRIOR EDITIONS MAY BE USED

INSTRUCTIONS FOR SERVICE OF PROCESS BY U.S. MARSHAL

Please type or print legibly, insuring readability of all copies. DO NOT DETACH ANY COPIES. Submit one complete set of this form (USM-285) and one copy of each writ for each individual, company, corporation, etc., to be served or property to be seized or condemned. The applicable fees for such service(s) (T28, USC Sec. 1921 establishes the fees for service of process by the U.S. Marshal) may be required prior to said service.

For service of any process upon an officer or agent of the United States Government, submit a copy of the writ and a set of Form USM-285 for each officer or agent upon whom service is desired. Submit three (3) additional copies of the writs for service upon the Government of the United States. The U.S. Marshal will serve one (1) upon the U.S. Attorney and will forward two (2) to the Attorney General of the United States. (When the applicable box is checked, completion of the final signature block by the U.S. Marshal or his Deputy always certifies service on the U.S. Attorney and the Attorney General, regardless of whether other defendants on the writ were served.) Failure to provide any of the copies will delay service of the writ.

Complete all entries above the double line. Mark all applicable check boxes and use the "Special Instructions" to advise of any information that will assist the U.S. Marshal in expediting service.

If more than one writ and USM-285 is submitted on a single case, the U.S. Marshal will receipt for all of them on the first USM-285. You will receive for your records the last (No. 5) "Acknowledgment of Receipt" copy for all the USM-285 forms you submit. When the writ is served, you will receive the No. 3 Notice of Service copy. This copy will be identical to the return to the Clerk of the Court.

Upon completion of all services (if the Marshals fees were not requested or tendered in advance or if additional fees are indicated), you will receive a "Billing Statement" (copy 4 of USM-285) from the United States Marshal. (NOTE: Copy 4 should be returned, by you, to the U.S. Marshal, together with your payment of the amount owed.

Additional supplies of the USM-285 may be obtained from the Clerk of the U.S. District Court or U.S. Marshal, without cost.



EDMUND G. BROWN JR.
Attorney General

State of California
DEPARTMENT OF JUSTICE

FILED

RECEIVED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
2003 JULY -6 PM /
KIRKLAND, ROBERT W.

03 JUL -9 AM 11:17
RICHARD W. WILKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500
Telephone: (415) 703-5824
Facsimile: (415) 703-5843
E-Mail: Ken.Roost@doj.ca.gov

June 5, 2008

BY U.S. MAIL

United States Marshals Service
United States Department of Justice
450 Golden Gate Ave.
San Francisco, CA 94102

RE: *Shamburger v. Kirkland, et al.*
United States District Court, Northern District of California, Case No. C 07-4597 JSW

Dear Marshals Service:

I am the attorney assigned to represent Defendants Fischer and Ruff in the above case.

As the attorney for these Defendants, I acknowledge receipt of the summons, complaint, and waivers, which were sent by the Marshals Service. I agree to save the cost of service of formal summons by not requiring that I or the above Defendants be served with judicial process under Rule 4 of the Federal Rules of Civil Procedure.

This waiver does not waive any defenses or objections to the lawsuit or to the jurisdiction or venue of the Court, except for objections based on a defect in the summons or in the service of the summons. The above Defendants will answer or respond by motion to the complaint in accordance with Federal Rule of Procedure 12 and applicable court orders or party stipulations.

Sincerely,

KENNETH T. ROOST
Deputy Attorney General

For EDMUND G. BROWN JR.
Attorney General